

# United States District Court

WESTERN DISTRICT OF WASHINGTON

JAMES E. FLEMING,

v.

LYNN PHIPPS, et al.,

JUDGMENT IN A CIVIL CASE

CASE NUMBER: C05-5068RBL

\_\_\_\_ **Jury Verdict.** This action came before the Court for a trial by jury. The issues have been tried and the jury has rendered its verdict.

XX **Decision by Court.** This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.

IT IS ORDERED AND ADJUDGED

The Court adopts the Report and Recommendation;

Plaintiff's complaint is DISMISSED; and

The Clerk is directed to terminate this action pursuant to **28 U.S.C. § 1915(e)** and to count this as a dismissal under **28 U.S.C. § 1915(g)**.

\_\_\_\_ June 6, 2005  
Date

\_\_\_\_ BRUCE RIFKIN  
Clerk

\_\_\_\_ s/CM Gonzalez  
Deputy Clerk